

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

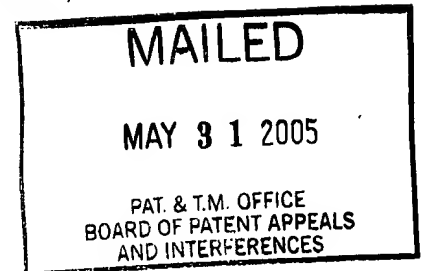
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Ex parte YOSHINOBU AOYAGI, SOUHACHI IWAI,  
and HIDEKI HIRAYAMA

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Application No. 09/941,612

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on April 19, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

In the final rejection filed June 15, 2004, the examiner has listed the following statement of rejections on pages 6-8:

Claims 21 and 33-36 are rejected under 35 U.S.C.  
§ 103(a) as being unpatentable over Nishizawa in view  
of Edmond as applied to claims 4-21 and 26-28 above,  
and further in view of Manabe;

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Claims 29-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishizawa in view of Edmond as applied to claims 4-21 and 26-28, and further in view of Daly; and

Claim 32 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishizawa in view of Edmond and Manabe as applied to claim 21 above, and further in view of Daly.

A review of the examiner's answer mailed March 3, 2005, reveals that the examiner has not listed references to Manabe (US 6,472,690) or Daly (US 5,231,298) in the prior art (prgh. 9) nor has the examiner listed these statements of rejection in the grounds of rejection (prgh. 10). In the response to argument section (prgh. 11), the examiner has given a complete discussion in regards to the Manabe and Daly patents, however, the examiner did not indicate why the listing in the prior art and statement of rejections of Manabe and Daly were not included in the examiner's answer. Before further review of this file, the examiner must give a clear indication of the status of these rejections.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) clarification of the status of the rejections outlined above; 2) if appropriate, filing a supplemental

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examiner's answer including the Manabe and Daly references in the listing of the prior art and statements of rejection; and 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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